

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAROSLAW PACEK,

Plaintiff,

v.

TRAVELERS COMMERCIALS
INSURANCE COMPANY, et al.,

Defendants.

No. 2:22-cv-0714 MCE DB

ORDER

Plaintiff, proceeding through counsel, commenced this action on April 25, 2022, by filing a complaint and paying the applicable filing fee. (ECF No. 1.) On January 6, 2023, defendants filed a motion to compel and noticed the motion for hearing before the undersigned on January 20, 2023, pursuant to Local Rule 302(c)(1).¹ (ECF No. 19.) Defendants' motion asserts that plaintiff completely and totally failed to respond to defendants' first set of interrogatories and requests for production. (*Id.* at 1-2.) The motion seeks an order finding that plaintiff has waived all objections, compelling production within seven days, and ordering payment of sanctions in the amount of \$1,800. (ECF No. 19-2 at 2.) Defendants' motion is supported by a declaration from counsel as well as exhibits. (ECF No. 19-1.)

¹ The undersigned finds defendants' motion suitable for resolution without a hearing pursuant to Local Rule 230(g).


Pursuant to Local Rule 251(e) plaintiff was to file a response to the motion to compel on or before January 13, 2023. Plaintiff did not do so. On January 16, 2023, defendants filed a reply noting plaintiff's failure to file a response to the motion to compel. (ECF No. 21.) As of the date of this order, plaintiff has not filed any response to defendants' filings.

After reviewing defendants' briefing, and given plaintiff's total failure to respond, the undersigned finds good cause to grant defendants' motion.

Accordingly, IT IS HEREBY ORDERED that:

1. Defendants' unopposed January 6, 2023 motion to compel (ECF No. 19) is granted;
2. Within seven days of the date of this order plaintiff shall provide the responsive discovery without objection;
3. Within seven days of the date of this order plaintiff's counsel shall pay defendants sanctions in the amount of \$1,800²; and
4. The January 20, 2023 hearing of defendants' motion is vacated.

Dated: January 17, 2023


DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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² The payment of this sanction shall be borne exclusively by plaintiff's counsel and may not be passed on to plaintiff.